

REMARKS

I. Introduction

Claims 1-12 are pending in the present application after the addition of new claim 12. Claims 1, 2 and 5-8 have been amended. In view of the following, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicant notes with appreciation the acknowledgment of the claim for foreign priority and the acknowledgment that all certified copies of the priority documents have been received. Applicant also thanks the Examiner for accepting the drawings.

II. Rejection of Claims 1-2 and 4-10 under 35 U.S.C. §102(b)

Claims 1-2 and 4-10 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,484,082 ("Millsap"). Applicant respectfully submits that the anticipation rejection should be withdrawn, for at least the following reasons.

To anticipate a claim under §102(b), each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 105 3 (Fed. Cir. 1987). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To the extent that the Examiner may be relying on the doctrine of inherent disclosure for the anticipation rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Amended independent claim 1 recites a “device for waking up **at least one targeted user** of a bus system **without waking up all of the users of the bus system**,” which device includes “a detection device for detecting at least one **predefined signal**

feature of a message transmitted on the bus system, wherein the at least one predefined signal feature is assigned to the at least one targeted user, and wherein the detection device initiates a further wake-up procedure only for the at least one targeted user once a preselected number with respect to the at least one predefined signal feature of the message has been reached.” Independent claims 5 and 7 have been amended to recite substantially similar limitations as those recited above.

As noted in the previous Amendment, **the arrangement described in Millsap is exactly the same as the conventional arrangement described in the “Background Information” section of Applicant’s disclosure, i.e., all control devices connected to the bus are activated, including those which are not needed for a desired operation, which is a major disadvantage. This is completely the opposite of the present claimed invention recited in independent claims 1, 5 and 7, i.e., only the targeted user of the bus system is awakened without waking up all of the users of the bus system.”**

Independent of the above, to the extent the Examiner argues in the “Response to Arguments” section of the Office Action that “wake-up in response to the first feature occurrence” meets the claimed “preselected number with respect to the at least one predefined signal feature,” Applicant notes that dependent claims 2, 6 and 12 explicitly recite that the preselected number is “greater than one,” which feature is clearly not taught or suggested by Millsap.

For at least the foregoing reasons, claims 1, 5 and 7, as well as their dependent claims 2, 4, 6, 8-10 and 12, are allowable over Millsap.

III. Rejection of Claim 3 under 35 U.S.C. §103(a)

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,484,082 ("Millsap") in view of U.S. Patent 6,029,061 ("Kohlschmidt"). It is respectfully submitted that the combination of Millsap and Kohlschmidt does not render unpatentable pending claim 3 for at least the following reasons.

In rejecting a claim under 35 U.S.C. §103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532,

28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 23 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art references must teach or suggest all of the claimed limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claim 3 depends on claim 1. As discussed in connection with parent claim 1, Millsap fails to teach or suggest all of the features of parent claim 1. Furthermore, Kohlschmidt fails to remedy the deficiencies of Millsap as applied against parent claim 1. Therefore, dependent claim 3 is allowable over the combination of Millsap and Kohlschmidt.

IV. Rejection of Claim 11 under 35 U.S.C. §103(a)

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,029,061 ("Kohlschmidt") in view of U.S. Patent 6,484,082 ("Millsap") and further in view of U.S. Patent 5,914,796 ("Selin"). It is respectfully submitted that the combination of Kohlschmidt, Millsap and Selin does not render unpatentable pending claim 11 for at least the following reasons.

In rejecting a claim under 35 U.S.C. §103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 23 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art references must teach or suggest all of the claimed limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Initially, Applicant notes that the Examiner does not address the teachings of Kohlschmidt in connection with the rejection of claim 11; instead, the Examiner only discusses the teachings of Millsap and Selin. In any case, claim 11 depends on claim 7. As discussed in connection with parent claim 7, Millsap fails to teach or suggest all of the features of parent claim 7. Furthermore, Kohlschmidt and Selin fail to remedy the deficiencies of Millsap as applied against parent claim 7. Therefore, dependent claim 11 is allowable over the combination of Kohlschmidt, Millsap and Selin.

Independent of the above, to the extent the Examiner contends that the feature of “retransmitting the message” recited in claim 11 would have been obvious in view of the teaching of Selin (“a message is generally re-transmitted over a bus when the message is not correctly received by its recipient (as evidenced by Selin) in order to deal with data collision on a bus”), Applicant notes that this asserted rationale has no relevance to the present claimed invention. Claim 11 recites, in relevant parts, “retransmitting the message following an initiation of the further wake-up procedure, and **determining therefrom** which users or user groups are to be selectively awakened fully.” Clearly, “retransmitting the message” has absolutely nothing to do with “data collision on a bus,” and there is no plausible reason that a person of ordinary skill in the art would be somehow motivated to incorporate the retransmission feature for the asserted reason of “data collision on a bus.” In any case, there is clearly no suggestion in the applied references that the determination regarding which users or user groups are to be selectively awakened fully is based on the retransmission of the message.

For at least the foregoing reasons, dependent claim 11 is allowable over the combination of Kohlschmidt, Millsap and Selin, and withdrawal of the obviousness rejection is requested.

Conclusion

In light of the foregoing, Applicant respectfully submits that all of the pending claims 1-12 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

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